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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,395

01/27/2004

Tatsuya Ono

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EXAMINER

LEE, PING

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,395	<b>Applicant(s)</b> ONO, TATSUYA	
	<b>Examiner</b> Ping Lee	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the acoustic equipments" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 12, the word "same" specified in lines 13 and 17 respectively is confusing because it is unclear what is being compared to or referred to.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hamamatsu (US006795560B2).

Regarding claims 1 and 10, Hamamatsu discloses a method of controlling a plurality of acoustic devices, each device having at least one speaker unit (as shown in Fig. 5 for example), comprising:

storing first information specifying the number of speaker units corresponding to each acoustic device and the position of at least one of (i) the corresponding acoustic device and (2) one or more speaker units of the corresponding acoustic device (although not clearly disclosed, as shown in Fig. 8, Hamamatsu's device inherently stores the number of speaker units, which is 1, corresponding to each acoustic device and the positions of the speaker units);

obtaining second information corresponding to a position of a user (Hamamatsu's system always placing the user in the middle of the speaker) and a number of channels to be used for reproducing a sound (depending on one of the output modes selected among the modes are illustrated in Figs. 16A-16F); and

determining one or more acoustic devices from among said plurality of acoustic devices used for reproducing the sound by using the first and second information (by 1 in Fig. 1).

Regarding claim 3, Hamamatsu shows that the number of channels used for reproducing the sound is specified by the user on a display screen (based on the mode selected).

Regarding claim 4, Hamamatsu shows that a data source used for reproducing the sound is specified by the user on a display screen (in Fig. 5, "CH17/18").

Regarding claim 5, Hamamatsu illustrated in Fig. 5 that a display screen having a graphic display region displays the position of the plurality of acoustic devices and the position of the user (the middle of the circle).

Regarding claims 6 and 9, the claimed "at least two different groups of acoustic devices" read on the combinations such as the front speakers as one group and the back speakers as the other group and the claimed "selecting" step reads on selecting the output mode.

Regarding claim 7, Hamamatsu shows that the positions of the speakers are specified.

Regarding claim 11, in addition to the limitation with respect to claims 1 and 10, the claimed "information equipment" reads on amplifier.

Regarding claim 12, in addition to the limitation with respect to claims 1 and 10, the claimed "display unit" reads on element 26 in Fig. 2, "an input device" reads on panning operator or joystick (Fig. 6), "a communication unit" reads on wires.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamatsu in view of Jordan et al (hereafter Jordan) (US007095455B2) and Pachet et al (hereafter Pachet) (US2001/0055398 A1).

Regarding claim 8, Hamamatsu fails to show measuring the delay. Hamamatsu teaches a general speaker system without regarding the performance of each speaker and the relationship between all the speakers. As shown in Figs. 16A-16F, Hamamatsu inherently assumed that all speakers have the same performance and the listener is at the perfect center spot between the speakers. Jordan teaches that with the listener's position being predetermined, the measurement should be taken between the speakers to measure any delay and then the speaker signal would be adjusted to compensate for the delay to ensure that all speakers from the layout are in balance (col. 3, lines 33-56; col. 5, lines 35-41). Thus, it would have been obvious to one of ordinary skill in the art to modify Hamamatsu in view of Jordan by measuring the delay and performing the adjustment in order to produce a sound image that is well balanced and realistic.

Regarding claim 2, Hamamatsu and Jordan fail to show that the position of the user is specified by the user on a display screen. Jordan teaches that the user's position is predetermined without specified the detail on how to do the determination. Pachet teaches a visual interface to allow the user to visually specify the user location on a display screen. Thus, it would have been obvious to one of ordinary skill in the art to modify Hamamatsu and Jordan in view of Pachet by allowing the user to designate the user position on a display screen in order to allow the user to interactively adjust the relationship between him/her and the surrounding speakers.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamatsu in view of Champion (US006778869B2).

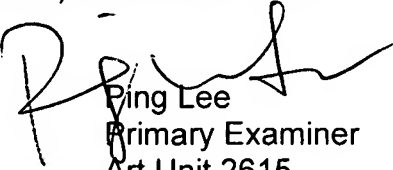
Regarding claim 13, Hamamatsu fails to show that the speakers are connected to a network. Hamamatsu discloses a general speaker system with a plurality of speakers coupled to a control device. Hamamatsu's teaching does not limit the setup of the plurality of the speakers. One skilled in the art would have expected that the same system would work equally well with the plurality of the speakers connected to a network controlled by a control device. Champion teaches such a connection between the speakers and the network. Thus, it would have been obvious to one of ordinary skill in the art to modify Hamamatsu in view of Champion by provide the user remote control of the speakers within the network.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Ping Lee  
Primary Examiner  
Art Unit 2615

pwl